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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,050	11/17/2003	Christian Kunert	SGW-97 C2	1157

23599 7590 02/28/2005

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EXAMINER

GROUP, KARL E

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/713,050

Applicant(s)

KUNERT ET AL

Examiner

Karl E. Group

Art Unit

1755

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☒ Other: pto-892 attached

  
Karl E. Group  
Primary Examiner  
Art Unit: 1755

HR

Continuation of 5. does NOT place the application in condition for allowance because: Applicants' argument that the instant application should have benefit of continuation of the parent application because the specifications are identical is not persuasive because the claims must have antecedent basis in the disclosure and the instant disclosure must be amended to include "colorless" if the limitation is present in the claims and therefore the disclosures would not be identical. Furthermore, the claims are part of the disclosure therefore the disclosures are NOT identical and provide benefit as a continuation. The term colorless does not appear in the parent application. As to the declaration and exhibit providing evidence that the glasses of the instant invention are colorless, the declaration and exhibit are not considered to be commensurate in scope with the invention. The closest prior art would be compositions including decolorants. Applicants have not provided an example where a glass includes a decolorant (such as those listed in the disclosure however without any ranges) and is colorless. Applicants continue to argue the decolorant forms a colorless glass however no evidence has been provided to support such. It should be further noted applicants argue decolorant provides support for colorless however the declaration fails to show this effect since the example does not include a decolorant such as those exemplified by the disclosure. The terms "counteract or hide [the coloring effect of iron]" does not equate to "colorless". Clearly the composition of Netter uses MnO to counteract or hide the effect of iron (which produces a green color) to form pink falling under applicants definition of decolorant. See Segrove (3,634,032) as evidence of the coloring effect of iron, column 1, second full paragraph. As to claim 5 the rejection over Netter is maintained because MnO falls under the definition of decolorant provided by applicants in the disclosure, see above. Claim 8 which uses "consisting essentially of" terminology clearly does not exclude decolorants as defined in the disclosure such as MnO. The instant application is not considered to have an effective filing date of the parent application in view of being filed with matter not supported by the disclosure of the parent, therefore the rejections over GB 2348197 and JP 2000-290037 are maintained.